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READINGS & MATERIALS IN MEDICAL JURISPRUDENCE

Professor B.M. Dickens

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PART I

COURSE OUTLINE

The course in Medical Jurisprudence is primarily a seminar course, but the initial two or three meetings of the class may run close to lecture form. This is in order to deal with the basic issues of medical negligence and malpractice, and consent. It also permits class members time to review the scope of the available materials, to decide upon topics of their papers for course evaluation (a written 3 hour paper is exceptionally available as an alternative means of evaluation), and to decide upon offering a seminar presentation. A seminar may be based upon a term paper, and may be given at an early stage in its preparation, to advance preliminary materials and ideas for class assessment with a view to developing the study, or at a later stage, when conclusions and final hypotheses may be proposed and defended.

Students are advised to pay careful initial attention to the lists of recent articles which follow. They indicate significant topics addressed in the literature, and the dimensions of the area of medical jurisprudence, disclosing well-trodden paths still worthy of pursuit, new matters coming to attention, and points of interest available to be pursued further. The whole list should be read soon after acquisition. It is divided into general areas, but is deliberately not too classified, since most articles affect a number of concerns, and may be of use in a number of differently directed studies.

A firm sequence of topics to be addressed in class cannot be predetermined, because of dependence upon students' seminar presentations and the intention to encourage novel topics, but a loose model may be based upon the following matters:

Medical negligence and malpractice - background issues
Malpractice litigation and law
Informed patient decision-making
Medical treatment of minors
Confidentiality
The Right to Die, natural death, non-treatment decisions (defective newborns, severely injured patients etc.)
Legally protected life, wrongful birth, wrongful life
Criteria for the Determination of Death - brain death
Medical experimentation
Transplantation law and control of body materials
Reproduction control, including contraception, sterilization and abortion
Reproduction promotion, including artificial insemination, "test-tube" fertilization, surrogate motherhood and embryo transplantation
Psychiatry, Mental health law and law on retardation
Child abuse and neglect
Developments in and applications and implications of genetic knowledge.

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